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LEGISLATURE FAILS TO PASS SEXUALLY VIOLENT PREDATOR BILL

SACRAMENTO – The state Department of Mental Health (DMH) today expressed disappointment after the Assembly Public Safety Committee killed SB 864 by Sen. Charles Poochigian, R-Fresno. The same measure, less than a month ago, was passed unanimously from the Senate floor. The bill would have extended the commitment period for sexually violent predators (SVPs) – individuals who have been convicted of a sexually violent offense against two or more victims, and who have been diagnosed with a mental disorder that makes it likely that they will re-offend.

Dr. Stephen W. Mayberg, Ph.D., the director of the Department of Mental Health, was surprised by the Committee's action – particularly after the bill earned the full support of the Senate.

"There are many reasons why we should be lengthening the commitment time for these offenders, but foremost among them is our responsibility to do everything we can to ensure public safety while also addressing these offenders' problems," he said. "SB 864 was designed to prevent SVPs from falling through the cracks and being released without completing all phases of the treatment program. Two years does not seem to be enough time to address their myriad issues."

Mayberg added that the bill would have also helped reduce unnecessary costs while still maintaining constitutional protections for the patient. "We want to give SVPs incentives to participate in treatment. We want a system that is effective, cost-efficient and does not overwhelm the court system."

According to current state law, an inmate who qualifies as an SVP is committed for two years to the custody of DMH. At the end of the two-year period, DMH provides recommitment evaluations to the jurisdictional district attorney, who may then petition the Superior Court for a two-year extension of the SVP's commitment. The court is then responsible for determining whether the inmate will be recommitted or released. SB 864 would have lengthened the commitment period from two years to four years.

The bill would have aligned the commitment term with DMH's experience-based assertion that a longer period of inpatient treatment is necessary before an SVP is ready for conditional outpatient release into the community. SB 864 offered a way to enhance the continuity of treatment, reduce costs, and increase public safety by providing adequate treatment to reduce the likelihood the person will re-offend.

Committee chairman Assemblyman Mark Leno, D-San Francisco; Assemblywoman Jackie Goldberg, D-Los Angeles; and Assemblyman Lloyd Levine, D-Van Nuys, voted against the bill. Committee vice-chairman Assemblyman Jay LaSuer, R-La Mesa, and Assemblyman Todd Spitzer, R-Orange, voted in favor of the bill. Assemblyman Mervyn Dymally, D-Compton, was absent during the vote.

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